

UNITED STATES DISARMAMENT AGENCY BILL

A BILL

To Establish a United States Disarmament Agency.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled.

Chapter I -- Title, Purpose and Definitions

Section 1. Short Title. This Act may be cited as the Disarmament Act of 1961.

Section 2. Purpose. The ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. It is the purpose of this Act to provide impetus toward this goal by creating a new agency of peace to deal with the problem of disarmament.

The formulation and implementation of United States disarmament policy in a manner which will promote the national security require a central organization charged by statute with primary responsibility for this field. This organization must be so placed within the Government that it can provide the Secretary of State, the President and the Congress with recommendations concerning United States disarmament policy, and the impact of these recommendations upon our foreign policies, our national security policies,

- 2 -

and our economy.

This organization must be so staffed that it can produce the essential scientific, economic, political, military, psychological and technological information upon which realistic disarmament policy must be based. It must be so organized that it can carry out the following primary functions:

- (1) Research, study and planning for disarmament policy formulation.
- (2) Preparation for and management of United States participation in international negotiations in the disarmament field.
- (3) Dissemination and coordination of public information concerning disarmament.
- (4) Preparation for and management of United States participation in such control systems as may be a necessary or desirable part of United States disarmament activities.

Section 3. Definitions. As used in this Act:

a. Disarmament. The term "disarmament" includes the elimination, reduction, control, limitation, inspection, verification or identification, of armed forces and armaments of all kinds under international agreement or arrangement; and the necessary steps to create and strengthen control and other international organizations for the maintenance of peace and the enforcement of disarmament.

- 3 -

b. Government Agency. The term "government agency" means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government.

c. Agency. The term "Agency" means the Disarmament Agency.

d. Person. The term "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Agency, any state or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

Chapter 2 -- Organization

Section 21. U. S. Disarmament Agency. There is hereby established an agency to be known as the U. S. Disarmament Agency.

Section 22. Director. The Agency shall be headed by a Director. The Director shall have the rank of the Under-secretary of State, and shall report directly to the Secretary of State without going through any intermediate authority.

The Director shall have primary responsibility within the Government for U. S. disarmament activities, and shall be the agent of the Secretary of State in the disarmament field with authority, under his direction, to act in his name. The Director shall also serve as Adviser to the President on Disarmament with direct access to the President after notification to the Secretary of State. The Director shall be appointed by the President, by and with the advice and consent of the Senate. He shall receive compensation at the rate of \$22,500 per annum. Under the direction of the Secretary, he shall be responsible for carrying out the provisions of this Act, and shall have authority and control over all personnel and activities of the Agency.

Section 23. Deputy Director. A Deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate and shall receive compensation at the rate of \$21,500 per annum. The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe. He shall act for, and exercise the powers of, the Director during his absence or disability or during a vacancy in said office.

Section 24. Assistant Directors. There shall be a number of Assistant Directors not to exceed six who shall be appointed by the Director. They shall receive compensation at the rate of \$20,000 per annum. They shall perform such duties and exercise such powers as the Director may prescribe.

- 5 -

Section 25. Bureaus, Offices, and Divisions.

a. The Director may establish within the Agency such program and staff bureaus, offices and divisions as he may determine to be necessary to discharge his responsibilities under this Act. Each such bureau, office, or division shall be under the direction of a chief who shall be appointed by the Director.

b. There shall be within the Agency an Office of Public Affairs under the direction of a Public Affairs Officer who shall be appointed by the Director.

c. There shall be within the Agency an Office of the General Counsel under the direction of the General Counsel who shall be appointed by the Director.

Section 26. General Advisory Committee

There shall be a General Advisory Committee to advise the Administrator on disarmament policy and activities to be composed of 15 members who shall be appointed by the President. Each member shall hold office for a term of 3 years, except that (a) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term; and (b) the terms of office of the members first taking office after September 1, 1961, shall expire, as designated by the President at the time of appointment, five at the end of one year, five at the end

- 6 -

of two years, and five at the end of three years, after September 1, 1961. The President shall designate one of the members of the Committee as Chairman. The committee shall meet at least four times in every calendar year. Members shall also be available for consultation individually or in groups from time to time throughout the year. The members of the Committee may receive the compensation and reimbursement for expenses specified for consultants by Section 41(c) of this Act.

Chapter 3 -- Functions.

Section 31. Research. The Director is authorized and directed to exercise his powers in such manner as to insure the conduct of research, development and other studies relating to disarmament, by private or public institutions or persons, and to assist in the acquisition of a fund of theoretical and practical knowledge in this field. To this end, the Director is authorized and directed to coordinate the research, development and other studies conducted in this field by or for other Government agencies. To the same end, the Director is authorized and directed to make arrangements (including contracts, agreements and loans) for the conduct of research, development and other studies relating to disarmament, including:

(a) the detection, identification, inspection, monitoring, limitation, reduction, control and elimination of armed

coordinate intelligence research ?

- 7 -

forces and armaments, including nuclear, missile, conventional, bacteriological, chemical and radiological weapons;

(b) the techniques and systems of detecting, identifying, inspecting, monitoring and eliminating experimental tests of nuclear, thermonuclear and other weapons;

(c) the analysis of national budgets, levels of industrial production and economic indicators to determine the amounts spent by various countries for armaments;

(d) the control, reduction and elimination of armed forces and armaments in space, in areas on and beneath the earth's surface, and in underwater regions;

(e) the structure and operation of international control and other organizations useful for disarmament;

(f) the training of scientists, technicians, and other personnel for manning the control systems which may be created by international disarmament agreements;

(g) the elimination of the danger of war resulting from accident, miscalculation or surprise attack;

(h) the economic and political consequences of disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;

(i) the disarmament implications of foreign and military policies of the United States with a view to a better understanding of the significance of such policies for the achievement of disarmament;

- 8 -

(j) the scientific, economic, political, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure

-9-

of a lasting peace may be established.

(k) such other disarmament problems as the Administrator may determine to be in need of research, development or study in order to carry out the provisions of this Act.

Section 32. Research in the Agency's Own Facilities.

The Director is authorized and directed to conduct, through the Agency's own facilities, research, development and other studies of the types specified in the preceding section.

The Director may construct new laboratories for this purpose only with the prior approval of Congress.

Section 33. Policy Formulation.

The Director is authorized and directed to prepare, for the Secretary of State, the President and the Congress, recommendations concerning United States disarmament policy based upon the information secured pursuant to Sections 31 and 32 and from other sources.

Section 34. Negotiation of International Agreements.

The Director, subject to the direction of the Secretary of State as provided in Section 22, may consult and communicate with or direct the consultation and communication with representatives of other nations or of international organizations, for the purpose of conducting negotiations concerning disarmament, or for the purpose of exercising any other authority given to the Director by this Act. To carry out his responsibilities under this section, the Director, acting subject to the direction of the Secretary of State,

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-10-

as provided in Section 22, may communicate in the name of the Secretary with diplomatic representatives of the United States in this country and abroad.

Section 35. Public Information. Subject to the direction of the Secretary of State, as provided in Section 22, the Director shall perform, among other functions, the functions of the Secretary pursuant to Section 2(c) of Reorganization Plan 8 of 1953 with respect to the dissemination abroad of information concerning United States disarmament activities by the United States Information Agency.

Section 36. Inspection and Control. The Director is authorized to formulate plans and make preparations for the establishment, operation, and funding of inspection and control systems which may become part of United States disarmament activities. The Director may provide for participation by the United States in international organizations which may be utilized in the conduct of United States disarmament activities for which provision has not been made by the terms of any international agreement or special Act of Congress; provided, that this section shall not be construed as granting authority to accept membership for the United States in any international organization, or to participate in the activities of any international organization, for more than one year without approval by the Congress.

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-11-

Section 37. Coordination with Other Government Agencies.

(a) There shall be continuous collaboration on all significant aspects of U. S. disarmament policy and activities, and on defense weapons systems and defense strategy insofar as they relate to disarmament, between the Director and the Secretary of Defense. The Director and Secretary of Defense shall establish suitable procedures to accomplish this and which shall be subject to the approval of the President. Procedures subject to the approval of the President may also be established for coordination between the Director and the Atomic Energy Commission, and between the Director and such other agencies as the President may designate from time to time.

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(b) The Director shall keep each of the officers and agencies listed in or designated pursuant to subsection (a) of this section fully informed, currently and prospectively, of policy decisions, activities, statements, studies, research and other matters which arise within the scope of his duties and are pertinent to their respective duties. Each of the officers and agencies listed in or designated pursuant to subsection (a) shall keep the Director fully informed, currently and prospectively, of policy decisions, activities, statements, studies, research, and other matters which arise within the scope of their respective duties and are pertinent to his duties. If differences of opinion arise between the Director and such officers and agencies which cannot be

resolved by consultation, these differences may be referred to the President by the Director (in the manner prescribed in Section 22 of this Act) or by such officer or agency.

Chapter 4--General Provisions

Section 41. General Authority. In the performance of his functions the Director is authorized to--

(a) With the consent of the Secretary of State or other officer or agency concerned, utilize or employ the services, personnel, equipment or facilities of the Department of State or any other Government agency to perform such functions on behalf of the Agency as may appear desirable. Each Government agency shall cooperate fully with the Director in making its services, equipment, personnel, and facilities available, and any such agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Director, without reimbursement, supplies and equipment other than administrative supplies or equipment.

(b) Appoint officers and employees for the Agency in accordance with the Civil Service laws and fix their compensation in accordance with the Classification Act of 1949, as amended, except that, to the extent the Director deems such action necessary to the discharge of his responsibilities, scientific, technical and professional personnel may be employed and their compensation fixed without regard to such laws.

(c) Exercise, with respect to Foreign Service Reserve officers and Foreign Service staff officers and employees

-13-

appointed or employed by the Agency, the following authority:

(1) the authority available to the Secretary of State under the Foreign Service Act of 1946; (ii) the authority available to the Secretary under any other provision of law pertaining specifically, or generally applicable, to such officers or employees; (iii) the authority of the Board of Foreign Service pursuant to the Foreign Service Act of 1946, as amended; provided that the Director shall have no authority to recommend to the President that any of such officers or employees be commissioned as diplomatic or consular officers, or as consuls or vice consuls; and provided further that employment pursuant to this section shall not be limited to the term or terms prescribed by Section 522 of the Foreign Service Act of 1946. *5 years*

(d) Enter into agreements with other Government agencies, including the military services, under which officers or employees of such agencies may be detailed to the Agency for the performance of service pursuant to this Act without prejudice to the status or advancement of such officers or employees within their own agencies. Officers or employees of other Government agencies appointed or employed by the Agency as Foreign Service Reserve officers shall be entitled to the same benefits as are provided by Section 528 of the Foreign Service Act of 1946, as amended. *Reinstatement*

(e) Contract for or otherwise procure the service of

-14-

experts and consultants or organizations thereof, including stenographic reporting services for periods not to exceed one year, without regard to Section 3709 of the Revised Statutes 41 U.S.C. Sec. 57. Individuals so employed may be compensated at rates not in excess of \$100 per diem, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at a rate not to exceed \$12 or at the applicable rate prescribed in the Standardized Government Travel Regulations, as amended from time to time, whichever is higher, while so employed within the continental limits of the United States; and at the applicable rate prescribed in the Standardized Government Travel Regulations (Foreign Areas) while so employed outside the continental limits of the United States. Contracts for such employment may be renewed annually.

(f) Employ persons of outstanding ability without compensation and provide transportation and subsistence on the terms specified in the preceding subsection for such persons.

(g) Employ retired commissioned officers of the armed forces and of the Foreign Service and compensate them at the rate established for positions occupied by them within the Agency. Such officers shall not be subject to the limitation set forth in Section 2 of the Act of July 31, 1894 5 U.S.C. Section 627.

-15-

h (b) Establish advisory boards to advise with and make recommendations to the Director on United States disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by Section 41(e) of this Act. *except Govt employees.*

(i) Make such investigations, obtain such information, and hold such meetings as the Director may deem necessary or proper to assist him in exercising any authority provided in this Act.

(j) Acquire, purchase, lease and hold real and personal property, including patents, as agent of and on behalf of the United States, subject to the provisions of Section 355 of the Revised Statutes, as amended 40 U.S.C. Sec. 255⁷, and sell, lease, grant and dispose of such real and personal property.

(k) Accept, in the name of the Agency, money, real or personal property, and services of any kind by gift, device, request, grant, or otherwise, for use in furtherance of the purposes of this Act.

(l) Delegate to the Deputy Director or other officers of the Agency, with power to redelegate where desirable, any authority conferred upon the Director by the provisions of this Act.

(m) Make, promulgate, issue, rescind and amend such rules and regulations as may be necessary or desirable to the exercise of any authority conferred upon the Director by the provisions of this Act.

Section 42 - Authority to Eliminate Competitive Bidding and Other Contract Restrictions.

(a) The Director may (1) make arrangements under this Act including those pursuant to Section 31 without regard to the provisions of Section 3709 of the Revised Statutes, as amended 41 U.S. C. Sec. 5⁷,

upon certification by him that such action is necessary to carry out the purposes of this Act, or upon a showing by him that advertising is not reasonably practicable; (2) make such arrangements without legal consideration or without performance of other bonds upon certification by him that such action is necessary to carry out the purposes of this Act; (3) make partial and advance payments under such arrangements; and (4) make available for use in connection therewith such of the Agency's equipment and facilities as he may deem desirable.

(b) The President, may in advance, exempt any specific action of the Director in any particular matter from the provisions of law relating to contracts or expenditures of Government funds whenever he determines that such action is essential in the interest of U.S. disarmament policy.

Section 43. Conflict of Interest Laws. The members of the General Advisory Committee created by Section 26 of this Act; and the members of the advisory boards, the consultants, and the persons of outstanding ability employed without compensation, all of which are provided for in Section 41 of this Act; may serve as such without regard to the provisions of Sections 281, 283, or 284 of Title 18 of the United States Code, or of Section 190 of the Revised statutes 5 U.S.C. Sec. 997, or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the

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payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation from a source other than a non-profit educational institution in respect of any particular matter which directly involved the Agency or in which the Agency is directly interested. Nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of Section 6 of the Act of May 22, 1920, as amended § U.S. C. Secs. 2255 and 22637, Section 212 of the Act of June 30, 1932, as amended § U.S. C. Sec. 59a7 or any other Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities.

Section 44. Security Requirements.

(a) The Director shall establish such security requirements, restrictions, and safeguards as he deems necessary in the interest of national security. The Director may arrange with the Secretary of State or with the Civil Service Commission for the conduct of such security or other personnel investigations of the Agency's officers, employees, consultants, persons detailed from other Government agencies, and its contractors and subcontractors and their officers

and employees, actual or prospective, as he deems appropriate; and if any such investigation develops any data reflecting that the individual who is the subject thereof is of questionable loyalty, the matter shall be referred to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Director.

(b) The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licenses, or prospective licenses of the Atomic Energy Commission or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under 2165 of Title 42, to permit the Director or any officer, employee, consultant, person detailed from other Government agencies, member of the General Advisory Committee or of an advisory board, contractor, sub-contractor, prospective contractor, or sub-contractor, or officer or employee of such contractor, sub-contractor, prospective contractor or prospective sub-contractor, to have access to Restricted Data which is required in the performance of his duties and so certified by the Director, but only if (1) the Director has determined, pending or after the investigations described in subsection (a) hereof and in accordance with the established personnel security procedures and standards of the Agency, that permitting such individual to have access to

such Restricted Data will not endanger the common defense and security, and (2) the Director finds that the established personnel and other security procedures and standards of the Agency are adequate and in reasonable conformity to the standards of the ~~Agency are adequate and in reasonable conformity to the standards~~ established by the Atomic Energy Commission under Section 2165 of Title 42, including those for interim clearance in subsection (b) thereof. Any individual granted access to such Restricted Data pursuant to this subsection may exchange such data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the armed forces, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or sub-contractor, and (B) has been authorized to have access to Restricted Data under the provisions of Section 2163 of title 42. (C) Any and all of the functions of the Director described in this section may be the subject of a cooperating agreement under Section 41 (j) of this Act.

Section 46. Controller General Audit. No moneys appropriated for the purposes of this Act shall be available for payment under any contract with the Director, negotiated without advertising, except contracts with any foreign government or any agency thereof, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books,

-21-

documents, papers, and records of the contractor or any of his sub-contractors engaged in the performance of, and involving transactions related to such contracts or subcontracts:

Provided, however, that no moneys so appropriated shall be available for payment under such contract which includes any provision precluding an audit of the General Accounting Office of any transaction under such contract: And, provided further, that nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Director and the General Accounting Office.

Section 47. Transfer of Functions to Director.

(a) Subject to the provisions of this section, the President, for a period of four years after the date of enactment of this Act, may transfer to the Director any functions (including powers, duties, activities, facilities, and parts of functions) of any Government agency, which relate primarily to the functions, powers, and duties of the Agency as prescribed by this Act. In connection with any such transfer, the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel and funds. All appropriations and unexpended balances of appropriations transferred pursuant to this section shall be available for expenditure by the Director for any and all objects of

expenditure authorized by this Act, without regard to the requirements of apportionment under Section 665 of title 31.

(b) Whenever any such transfer is made before July 1, 1962, the President shall transmit to the Speaker of the House of Representatives and the President pro-tempore of the Senate a full and complete report concerning the nature and effect of such transfer.

(c) After June 30, 1962, no transfer shall be made under this section until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without the adoption by the Congress of a concurrent resolution stating that the Congress does not favor such transfer.

Section 48 Uses of Funds.

Appropriations made to the Director for the purposes of this Act, and transfers of funds to him by other Government agencies for such purposes, shall be available to him to exercise any authority granted him by this Act, and shall also be available for the following uses to carry out the purposes of this Act:

(1) rent of buildings and space in buildings in the United States;

-23-

(2) administrative expenses incident to carrying out the purposes of this Act, including, without limitation, expenses of printing and binding without regard to the provisions of Section 11 of the Act of March 1, 1919 44 U.S.C. Sec. 1117;

(3) purchase or hire of one passenger motor vehicle for the official use of the Director without regard to the limitations contained in Section 78(c) of title 5 of the United States Code or any other law relating to the purchase or use of Government owned motor vehicles;

(4) entertainment and official courtesies (not to exceed \$25,000 in any fiscal year except as may otherwise be provided in an appropriation);

(5) expenditures (not to exceed \$50,000 in any fiscal year except as may be provided in an appropriation) of a confidential character other than entertainment; Provided, that a certificate of the amount of each such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the Director and every such certificate shall be deemed a sufficient voucher for the amount therein specified;

(6) expenses authorized by the Foreign Service Act of 1946, as amended, not otherwise provided for;

(7) expenses in connection with travel of personnel outside the United States, including travel expenses of

dependents, and transportation of personal effects, household goods, and automobiles of such personnel when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year;

(8) expenditures necessary to make grants for, and to pay expenses incident to, training and study;

(9) expenditures in connection with participation in international conferences for the purposes described in Section 36 above including, but not limited to, the following:

(i) Employment of aliens;

(ii) Travel expenses without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under the Travel Expenses Act of 1949 as amended;

(iii) Travel expenses of persons serving without compensation in an advisory capacity while away from their homes or regular places of business not in excess of those authorized for regular officers and employees traveling in connection with such international conferences; and

(iv) Rental of quarters by contract or otherwise.

Section 49. Appropriations.

a. There are hereby authorized to be appropriated to the Agency such sums as may be necessary and appropriate

to carry out the purposes of this Act. Sums appropriated pursuant to this section for research, development and studies shall remain available until expended.

b. Funds appropriated pursuant to this section may be allocated or transferred to any agency for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure in accordance with authority granted in this Act, or under authority governing the activities of the agencies to which funds are allocated or transferred.